

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED*February 28, 2018*

David J. Bradley, Clerk of Court

United States of America)

v.)

Yasser Saleh OUWAD) Case No.

&)

Luis GARCIA-Oyuela)

4:18mj0271_____
Defendant(s)

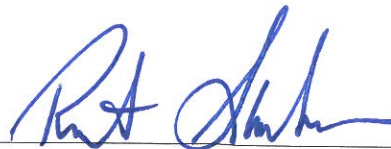
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 27, 2018 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:*Code Section*18 USC 2314
18 USC 2315*Offense Description*Possession & Transportation of stolen goods, securities, moneys, fraudulent
State tax stamps, or articles of the value of \$5,000 or more, knowing the
same to have been stolen, converted or taken by fraud.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet._____
Complainant's signature

Robert Skidmore, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: February 28, 2018_____
*Judge's signature*City and state: Houston, Texas

Judge Dena Hanovice Palermo

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF THE ARREST OF:

Yasser Saleh OUWAD

&

Luis GARCIA-Oyuela

Case No. _____

**AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT Attachment "A"**

I, Robert Skidmore, the affiant, being duly sworn, state:

1. I am a Special Agent (SA) with Homeland Security Investigations (HSI) assigned to Houston, Texas. At this time, I am currently assigned to the Trade Enforcement Group (TEG) of Special Agents who work in conjunction with the HSI Intellectual Property Rights Center (IPR Center) and other members of the Trade Revenue Interdiction and Enforcement Team (TRIDENT) and have been tasked with ensuring the public's health and safety is protected from those who knowingly traffic in counterfeit and/or stolen goods or services in order to attain the public's trust. However, I have also conducted and participated in investigations involving other criminal violations including, but not limited to Alien Harboring, Drug Trafficking and Organized Retail Crime. I have been a Special Agent with HSI since October 2010.
2. The facts contained herein have been obtained through this affiant's personal knowledge, physical and electronic surveillance of criminal activity by law enforcement officers, interviews of witnesses, as well as information obtained from other law enforcement officials and witnesses, whom this affiant knows to be trustworthy and reliable, and from reports and documents obtained throughout the course of this investigation.

3. In my work with HSI, I have conducted investigations, involving Organized Retail Crime Organizations and acquired information and knowledge about the illegal stolen property trade from conversations with informants, retail investigators and other experienced investigators. Through the course of this and other investigations, I have learned about the manner in which Organized Retail Crime Organization (ORCO) members conduct their business, including, but not limited to, managing voluminous shipments and conducting large and frequent financial transactions. Because the purpose of this affidavit is to set forth only the facts necessary to establish probable cause for the issuance of a criminal complaint related to violations involving the possession and trafficking in stolen merchandise, in violation of Title 18, United States Code, § 2314 & 2315, I have not described all the facts and circumstances of which I am aware. In addition, when I rely on statements made by others, such statements are set forth in substance and in pertinent part.

PROBABLE CAUSE:

4. This affidavit is being submitted in support of a criminal complaint and arrest warrant. Your Affiant states that there is probable cause to believe that Yasser Saleh OUWAD and Luis GARCIA-Oyuela have committed the offenses of Possession & Transportation of Stolen Goods, Securities, Moneys, Fraudulent State Tax Stamps, or Articles of the Value of \$5,000 or More, Knowing the Same to Have Been Stolen, Converted, or Taken by Fraud, in violation of Title 18, United States Code, Sections 2314 and 2315.

5. HSI Houston agents have been conducting a joint-investigation with the Food and Drug Administration – Office of Criminal Investigation (FDA-OCI), the Department of Health and Human Services – Office of Inspector General (HHS-OIG) along with Organized Retail Crime (ORC) investigators from CVS and Walgreens since March 2015. The investigation centers on a large-scale Organized Retail Crime Organization (ORCO) operated by OUWAD, a naturalized United States Citizen from Lebanon, and other individuals.
6. In this ORCO, OUWAD employs individuals, mainly undocumented aliens (UDAs), as professional shoplifters (referred to as “Boosters”), who travel the United States stealing specific merchandise, e.g. over-the-counter (OTC) medications, diabetic testing supplies, shaving razors and other items. While out of state, after stealing from numerous stores throughout the day, all of the items are inventoried, packed by Boosters into boxes and shipped to Santino Wholesale, a fictitious wholesale company name used by OUWAD. Once OUWAD receives the stolen merchandise, he, or employees, transport them to 12440 Oxford Park Drive, #B102, Houston, Texas 77082. OUWAD and his associates remove the anti-theft stickers placed on products by retailers, repackage and ship the items to large wholesale companies (referred to as “Diverters”), who purchase the products at discounted rates. Once the Boosters return from out of state, OUWAD meets with them in person and pays them for the merchandise received from them. This cycle is then repeated again and again. From September 2017 to the present, agents have

identified seven (7) shipments (13 pallets) leaving 12440 Oxford Park Drive, #B102, in Houston, Texas 77082.

7. On February 27, 2018, TEG/TRIDENT Special Agents executed a federal search warrant (4:18MJ0248) for stolen merchandise at the GPS WHOLESALE warehouse located at 12440 Oxford Park Drive, #B102, in Houston, Texas 77082. During the execution of the warrant, HSI encountered OUWAD and GARCIA-Oyuela within the business. OUWAD identified himself as the owner of GPS WHOLESALE and both subjects were detained while Special Agents conducted their search.
8. Upon entry, Special Agents immediately observed a palletized load of boxed merchandise located in the bay area of the north end of the warehouse. Open boxes (flats) of OTC medication were observed on shelves and on the floor throughout the warehouse and storage area. Further inspection of the contents of the boxes revealed the merchandise commonly associated with ORCO activities such as diabetic test strips, Benadryl, Bayer Aspirin, Abreva, Nexium, Tylenol and other high end name brand medications. HSI also observed a product cleaning station where a heat gun, hair dryer, lighter fluid, razor blades and other petroleum based chemicals are used to remove security labels from stolen merchandise. Additionally, a search of the storage cabinet located in the northwest corner of the warehouse revealed additional ORCO cleaning supplies such as cotton pads, lighter fluid and liquid adhesive remover. A bag containing removed Walgreens and CVS security labels, used cotton pads and FedEx labels were also discovered in the cabinet.

9. An inventory and Electronic Article Surveillance (EAS) was conducted by HSI and CVS ORCO Subject Matter Experts (SME) which revealed approximately 147 boxes of stolen merchandise with an MSRP of \$591,895.76. (Investigators Note) EAS is used by ORCO SMEs to scan for hidden security tags concealed within merchandise boxes which are normally deactivated when purchased.
10. Subsequent to the verification of stolen merchandise at the scene, HSI conducted interviews with OUWAD and GARCIA regarding the stolen merchandise in the warehouse. At 1612 hours, HSI Special Agents (SA) Robert Skidmore and SA Charles Eric Lehmann advised OUWAD of his constitutional rights. OUWAD stated he understood his rights, signed the rights form and declined to speak with HSI.
11. At 1630 hours, GARCIA was advised of his constitutional rights in Spanish by SA Jose Goyco in the presence of SA Skidmore and Lehmann. GARCIA indicated he understood his rights, signed the rights form and agreed to speak with HSI. During the interview, GARCIA stated the following:
12. GARCIA initially stated he had only been working for "Santino," whom he identified as OUWAD, for a short time and that he had been hired to clean the office and do various odd jobs for his employer for \$70-\$80.00 per day (cash). GARCIA then stated that he had known OUWAD for approximately three years. GARCIA stated that OUWAD would arrive at 12440 Oxford Park Drive, #B102, in Houston, Texas 77082 with his vehicle full of boxes and he (GARCIA) would unload these boxes into the warehouse. GARCIA stated that OUWAD had him remove the Walgreens and CVS labels from the OTC

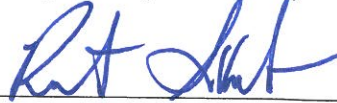
medications using a heat gun, and then GARCIA would separate the different OTC medications according to brand name and pill count. GARCIA would then place them in a box and seal the box. GARCIA stated that a commercial truck would arrive at the warehouse and he would load the pallets and boxes into the box truck. GARCIA stated that the box truck would already have some other boxes inside the cargo area. GARCIA stated he had prepared the last (5) five or (6) six loads for pickup which consisted of (2) two or (3) three pallets each time.

13. GARCIA claimed no knowledge of the merchandise being stolen but agreed the circumstances surrounding his employment were questionable. HSI surveillance has observed GARCIA and OUWAD transporting boxes of suspected stolen merchandise between multiple storage units and the warehouse at 12440 Oxford Park Drive, #B102, Houston, Texas 77082. HSI has conducted record checks which indicate GARCIA is a citizen and national of Honduras illegally present in the United States.
14. HSI also identified and seized miscellaneous documents in support of their ORCO investigation to include, supply receipts for cleaning supplies, box supplies, U-Haul receipt, shipping receipts, and product lists commonly used by ORCO shoplifters (boosters) to fill and count orders of stolen merchandise so they can receive the payment due them from OUWAD.
15. HSI has verified shipping documents with Estes Express Lines and confirmed (5) five shipments containing (8) eight pallets of suspected stolen merchandise shipped between OUWAD's GPS WHOLESALE and other co-conspirators since September of 2017. The

estimated MSRP for the shipments provided by CVS ORCO SMEs is \$800,000.00. HSI has concluded there is probable cause to believe OUWAD's ORCO has received, processed (cleaned) and packaged for interstate commerce approximately \$1.3 million in stolen merchandise.

16. Based upon the evidence gathered from the search warrant and investigation, I believe that there is probable cause to believe that Yasser Saleh OUWAD & Luis GARCIA-Oyuela have violated Title 18, United States Code Sections 2314 and 2315.

Respectfully submitted,



Robert Skidmore
Special Agent / Criminal Investigator

Subscribed and sworn to before me on this 28th day of February , 2018



The Honorable Judge Dena Hanovice Palermo
UNITED STATES MAGISTRATE JUDGE